

(SPACE BELOW FOR FILING STAMP ONLY)

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Attorneys for Plaintiffs
ANDREW and MARINA FOX

**IN THE UNITED STATES BANKRUPTCY COURT
IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

In Re ROBERT MICHAEL DE LONG and
DIANE MICHELLE DE LONG

Debtor(s).

Bankruptcy Case No. 12-26226-C-7

Adversary Proceeding No. 12-02298-C

ANDREW FOX et al.

Plaintiff(s).

**STIPULATION OF THE PARTIES TO
MODIFY PRETRIAL SCHEDULING
ORDER AND EXTEND DISCOVERY CUT
OFF**

vs.

ROBERT MICHAEL DE LONG

Defendant(s).

**STIPULATION OF THE PARTIES TO MODIFY PRETRIAL SCHEDULING ORDER
AND EXTEND DISCOVERY CUT OFF**

Pursuant to Rules 16(b)(4) and 29 of the Federal Rules of Civil Procedure, Plaintiffs
ANDREW FOX and MARINA FOX and Defendant ROBERT MICHAEL DE LONG, by and

1 through their attorneys of record hereby stipulate to modify the pretrial scheduling order and
2 extend the discovery cut off dates previously set in this matter.

3 The discovery cut-off is currently scheduled for February 28, 2013. The parties
4 request an extension of this deadline to April 15, 2013. The Pretrial conference is currently
5 scheduled for April 3, 2013. The parties request an extension of this deadline to May 22,
6 2013. Plaintiff's Pretrial Statement is currently scheduled for March 20, 2013. The parties
7 request an extension of this deadline to May 8, 2013. Defendant's Pretrial Statement
8 currently scheduled for March 27, 2013. The parties request an extension of this deadline to
9 May 15, 2013.

10 GOOD CAUSE EXISTS FOR THE REQUESTED MODIFICATION AND
11 EXTENSION

12 Plaintiffs' counsel began conferring with counsel for Defendant the first week of
13 January 2013 and noticed the deposition of Defendant ROBERT MICHAEL DE LONG ("De
14 Long") to occur on January 28, 2013. On January 23, 2013, Counsel for Defendant Steve
15 Ruehmann, informed counsel for Plaintiffs that he had encountered a family crisis and
16 requested a two week extension to rescheduled the deposition of Defendant De Long. In
17 early February 2013, Counsel for Plaintiffs conferred with counsel for Defendant to
18 reschedule the deposition of De Long. The only available dates were at the end of
19 February and Plaintiffs' re-noticed the deposition of Defendant De Long with Request for
20 Production of Documents for February 21, 2013. Defendant never objected to the Requests
21 for Production of Documents. De Long appeared on February 21, 2013 for his duly noticed
22 deposition however, he failed to bring documents responsive to the deposition notice
23 document requests relating to bank statements and accounting for the projects relating to
24 the timeframe in the Plaintiffs' Complaint. During the Deposition of De Long on February
25 21, 2013 counsel for Defendant agreed to produce said documents in approximately a
26 weeks' time. Counsel for parties agreed a stipulation would be necessary for further
27 discovery in order for Plaintiffs to evaluate the requested documents and schedule a
28 second session for the deposition of De Long regarding said accounting documents.

Furthermore, Defendants have sought an extension to respond to Plaintiffs' written discovery until February 28, 2013. An extension for the discovery cut off is necessary for Plaintiffs to pursue a motion to compel on said discovery should it become required.

Extension of the abovementioned deadlines is necessitated for a full evaluation of theories as to whether diversion of funds occurred in this matter.

IT IS HEREBY STIPULATED

Dated: February 25, 2013

MURPHY, CAMPBELL, GUTHRIE & ALLISTON

By: /s/ George A. Guthrie, Esq.

GEORGE A. GUTHRIE
Attorney for Plaintiffs
ANDREW and MARINA FOX

Dated: February 25, 2013

RUEHMANN LAW FIRM, PC

By: /s/ Stephen C. Ruehmann, Esq.

STEVE C. RUEHMANN
Attorney for DEFENDANT
ROBERT MICHAEL DE LONG

Fox v. Cascadian Landscape, et al.
 U.S. Bankruptcy Court Case No.: 12-26226-C-7
 Adversary Proceeding No.: 12-02298-C

DECLARATION OF SERVICE

I, Melissa M. Eaton, declare as follows:

I am employed in the County of Sacramento, State of California; I am over the age of 18 years and not a party to this action; my business address is 8801 Folsom Boulevard, Suite 230, Sacramento, California 95826, in said County and State. On today's date, I served:

STIPULATION OF THE PARTIES TO MODIFY PRETRIAL SCHEDULING ORDER AND EXTEND DISCOVERY CUT OFF

on the following person(s) at the following address(es), in the manner indicated below:

SEE ATTACHED SERVICE LIST

☐

BY UNITED STATES MAIL: I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses shown above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am employed in the county where the mailing occurred. The envelope or package was placed in the mail at Sacramento, CA.

☐

BY FAX TRANSMISSION: Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers shown above. No error was reported by the fax machine that I used.

☐

BY PERSONAL SERVICE: I personally delivered the documents to the persons at the addresses shown above. (1) For a party represented by any attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

☐

BY OVERNIGHT DELIVERY: I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses shown above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☒

BY E-MAIL/ELECTRONIC TRANSMISSION/eCalWeb Service: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses shown above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I certify under penalty of perjury that the foregoing is true and correct, and this declaration of service was executed on February 25, 2013, at Sacramento, California.

By: /s/ Melissa M. Eaton
 Melissa M. Eaton

Fox v. Cascadian Landscape, et al.
U.S. Bankruptcy Court Case No.: 12-26226-C-7
Adversary Proceeding No.: 12-02298-C

SERVICE LIST

Name and Address:	Phone #: Fax #:	Party:
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